S.B.Cr.Misc. Bail Appli. No.4856/2007
(Gaffoor Khan & Ors. Vs. State of Rajasthan)

Date of order : October 01, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.H.S.Shrimali, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned.

It is contended by learned counsel for the petitioners that offence under section 365 I.P.C. is not made out. The complainants were given lift by the petitioners in Scorpio vehicle.

From perusal of the order impugned, it appears that the complainants have categorically stated that they were kidnapped, assaulted and taken by the petitioners for about 20 kms. It has also been stated that the first informant and others are the employees of J.C.C. Company and they were forcibly taken and kidnapped by the petitioners in a Scorpio

vehicle, however, the said vehicle was chased by another vehicle, on which, they were given beating and after causing injuries to them, they were thrown on the road. From the case diary, the court below noticed the various injuries suffered by the victims.

Keeping in view the serious allegations against the petitioners and the manner in which the occurrence took place, in my view, it is not a fit case to grant anticipatory bail to the petitioners.

The bail application filed by the petitioners under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-